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(Additional counsel information omitted)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION**

ENTROPIC COMMUNICATIONS,
LLC,

Plaintiff,

v.

COMCAST CORPORATION;
COMCAST CABLE
COMMUNICATIONS, LLC; AND
COMCAST CABLE
COMMUNICATIONS
MANAGEMENT, LLC,

Defendants.

No. 2:23-cv-1049-JWH-KES (Lead Case)
No. 2:23-cv-1050-JWH-KES (Related Case)

No. 2:23-cv-1043-JWH-KES (Lead Case)
No. 2:23-cv-1048-JWH-KES (Related Case)

Assigned to Hon. John W. Holcomb

**[PROPOSED] ORDER GRANTING
COMCAST DEFENDANTS' MOTION
TO DISMISS UNDER FED. R. CIV. P.
12(b)(1) AND 12(b)(6)**

Date: January 26, 2024
Time: 9:00 a.m.
Courtroom: 9D

1 Having considered Defendants’ Rule 12(b)(1) and 12(b)(6) Motion to Dismiss
2 Plaintiff’s Second Amended Complaint, the Court GRANTS the Motion.

3 MaxLinear, Inc. and its affiliates covenanted not to sue Defendants for alleged
4 infringement of the asserted patents. The assignment of the asserted patents by
5 MaxLinear, Inc., and its affiliate MaxLinear Communications LLC, to plaintiff,
6 Entropic Communications, LLC (“Entropic”) was made subject to existing
7 encumbrances, including the covenant not to sue Defendants. *Datatreasury Corp. v.*
8 *Wells Fargo & Co.*, 522 F.3d 1368, 1372 (Fed. Cir. 2008). Plaintiff therefore lacks a
9 basis to bring these lawsuits.

10 Plaintiff’s willfulness allegations are implausible because they fail to allege
11 facts from which it can be plausibly inferred that Comcast had knowledge of the
12 asserted patents and had knowledge that its alleged conduct constituted infringement
13 of the asserted patents. *RJ Tech., LLC v. Apple, Inc.*, 2023 WL 3432237, at *8 (C.D.
14 Cal. Mar. 23, 2023). Accordingly, the Court grants Comcast’s motion under Rule
15 12(b)(6) to dismiss Entropic’s willfulness claims.

16 For these reasons, the Court GRANTS the Motion and dismisses the Second
17 Amended Complaint with prejudice under Rule 12(b)(1) and Rule 12(b)(6).

18 **IT IS SO ORDERED.**

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20 Dated: _____, 2024

21
22 Honorable John W. Holcomb
23 United States District Judge
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